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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/055,331

01/25/2002

Jitendra Lakram

LAKR100

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01/16/2003

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EXAMINER

BASINGER, SHERMAN D

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 01/16/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/055,331

Applicant(s)

LAKRAM, JITENDRA

Examiner

Sherman D. Basinger

Art Unit

3617

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 20-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-24 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 25 and 29-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a \_\_\_\_ priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: fee schedule and forms for filing a provisional application, a non-provisional application, a design patent and an international application.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 28 is ambiguous in that applicant in line 1 defines "at least one compression chamber" and in lines 2 and 3 defines "each compression chamber". The use of the term "each" before compression chamber implies that more than one compression chamber has been claimed, yet "at least one compression chamber" defines only one chamber. It is suggested that in claim 28 line 2 "each" be deleted in favor of "said at least one".

In the last line of claim 28 "the inflatable airbags" has no clear antecedent.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Ryczek. In Ryczek the air compressor is 15, the compression chamber is 16 and the inflatable airbag stored on the ceiling of the hull is either one of the airbags in the containers

directly pointed out by reference numeral 22 and its lead lines. Both of these air bags are stored on what is the ceiling of the compartments 13 and 12.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryczek in view of Tuffier.

Ryczek does not disclose the at least one slotted track for holding the at least one inflatable air bag in an uninflated condition and allowing the at least one inflatable airbag to expand.

Tuffier discloses at least one slotted track 41 for holding the at least one inflatable air bag 36 in an uninflated condition and allowing the at least one inflatable airbag to expand.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to replace the air bags 24 of Ryczek with air bags similar to that in figure 7 of Tuffier. As such the inflatable air bag would have a slot similar to 41 of Tuffier. Rings similar to 26 of Tuffier would be used to attached the air bag to the ship inside of the containers 22.

This is merely replacing one type of an airbag with another type of airbag, both of which can perform the function disclosed by Ryczek.

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The one device of claims 22 and 23 would be similar to ring 26 of Tuffier. With regard to the inner and outer walls defined in claim 23, the outer wall is the outer hull for the ship. The inner walls are the decks above compartments 12 and 13. A ring similar to 26 of Tuffier would be used to fasten the air bag similar to 36 of Tuffier to the slotted track similar to 41 of Tuffier between the inner and outer walls when it fastens the air bags to the decks above compartments 12 and 13.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryczek in view of Bick et al.

Ryczek does not disclose a sonar warning system for warning of potential harm to the vessel. Bick et al uses a sonar warning system providing advance warning of underwater navigation hazards that threaten ship passage. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide the ship of Ryczek with a system similar to that of Bick et al so that the ship could be warned of an underwater hazard and possibly avoid a collision which would cause the ship to sink.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryczek in view of Day.

The compressor of Ryczek does not use overlapping impeller blades. Day discloses a compressor blade which uses overlapping blades. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide the compressor of Ryczek with an impeller having

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overlapping blades similar to the impeller of Day. This is a choice of another way to compress air for the compression chamber 16 of Ryczek.


9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryczek in view of Gilbert.

Ryczek does not disclose that his compressor 15 is connected by an axle to a clutch device which is attached to an axle from the vessel's engine. Gilbert in figure 4 attaches compressor 2 with an axle to a clutch device 33 which is attached by an axle to the engine of the vessel. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to attach the compressor or Ryczek to a clutch similar to 33 of Gilbert by an axle and the clutch to the engine of Ryczek by an axle in view of the teachings of Gilbert. A reason to do so is to allow separate operation of the propeller of Ryczek and the air compressor of Ryczek.

***Allowable Subject Matter***

10. Claims 25 and 29-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claim 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.



***Response to Arguments***

12. Applicant's arguments filed November 13, 2002 have been fully considered but they are not persuasive.

With regard to claim 20, applicant's arguments concern a rejection of claim 20 under 35 U.S.C. 103(a). However, new claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Ryczek. This is because the inflatable air bags above compartments 12 and 13 are effectively stored on what can be considered to be the ceiling for these compartments.

With regard to applicant's arguments concerning claim 21, applicant does not claim a diameter restrictor/guage track in claim 21. Instead applicant defines a slotted track. Tuffier discloses a slotted track 41 for holding the air bag 36 in an uninflated condition and allowing it to expand. By replacing the air bags of Ryczek with air bags similar to those of Tuffier, such a track would be provided to Ryczek.

With regard to claim 22, applicant's arguments again reference the diameter restrictor/guage track. Again, this track is not defined in claim 22 as claim 22 defines one device which attaches the air bag to the slotted track. This device can be ring 26 of Tuffier.

With regard to applicant's arguments concerning claim 23, the air bags of Ryczek are between the outer wall, which is the outer hull of the ship, and the inner wall, which is the decks above the compartments 12 and 13. A ring similar to 26 of Tuffier would be used to attach airbags between these walls when air bags similar to those of Tuffier replace the air bags of Ryczek.



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With regard to claims 24 and 25, only claim 25 is indicated as being allowable. Claim 24 is rejected with Ryczek and Bick et al. Neither claim 24 nor claim 25 contain all of the subject matter of original claim 3. Claim 25 contains the subject matter of original claim 3 which made claim 3 allowable.

Applicant's arguments concerning claims 26 and 27 are noted. However, since parent claim 20 has not been allowed, claims 26 and 27 cannot be allowed for the reason that they depend from an allowable claim.

Claims 28-37 are indicated as containing allowable subject matter.

### ***Conclusion***

13. Attached to this office action are forms requested by applicant in a separate letter filed October 1, 2002. Applicant in that letter requested a fee schedule and forms for filing a provisional application, a non-provisional application, a design patent and an international application. It is requested that the attached forms be forwarded to applicant.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Sherman D. Basinger  
Primary Examiner  
Art Unit 3617  
1/15/03

sdb  
January 15, 2003